



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,552	04/30/2001	Barton A. Smith	ARC920000132US1	3403

23334 7590 11/23/2005

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI  
& BIANCO P.L.  
ONE BOCA COMMERCE CENTER  
551 NORTHWEST 77TH STREET, SUITE 111  
BOCA RATON, FL 33487

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT

PAPER NUMBER

2677

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,552

Applicant(s)

SMITH ET AL.

Examiner

Kimnhung Nguyen

Art Unit

2677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 11/1/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7,25-28,30-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 36 is/are allowed.
- 6) ☒ Claim(s) 25,26,28,30,34 and 37 is/are rejected.
- 7) ☒ Claim(s) 27, 31-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined. The claims 7, 25-28, 30-34, 36-37 are pending. The examination results are as following.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-26, 30, 34 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Holehan (US 6,043,809).

Regarding claim 25, Holehan discloses in fig. 1, a touchpad input device comprising a touchpad disposed along at least a portion of at least one outside edge of a housing; a dimension selection switch (scrolling, see col. 3, lines 45-46) able to select one of at least two dimensions (see the operator's finger, see abstract); a user input detector (see col. 4, lines 4-7), electrically coupled to the touchpad and the dimension selection switch, for detecting user input from the touchpad and a selected dimension selected by the dimension selection switch and transmitting input signals, wherein the input signals controls movement in the selected dimension in response to the user input (see abstract); and a control circuit (see fig. 3, see memory 3) coupled to the user input detector; wherein the control circuit acts upon the input signals from the user input detector.

Art Unit: 2677

Regarding claim 26, Holehan discloses further comprising a display electrically coupled to the control circuit (memory 3), wherein the control circuit transmits output signals to the display (see fig. 1).

Regarding claim 30, Holehan discloses the at least one touchpad comprises at least one of texture for providing a tactile feedback to the user (because the system comprises a processing program having many words programs, see col. 3, lines 22-26).

Regarding claim 34, Holehan discloses in fig. 1, the touch pad comprises a touchpad strip disposed along at least a portion of at least one outside edge of the housing (240) for detecting user input along the touchpad strip.

Regarding claim 37, Holehan discloses further wherein one of the at least two dimensions is rotate (see operator's finger moves, see abstract).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holehan (US 6,043,809) in view of Gerpheide (US 6,473,069).

Holehan does not disclose the at least one touchpad extends substantially about a perimeter of the housing along the at least one outside edge of the housing.

Art Unit: 2677

Gerpheide discloses in fig. 2B, the at least one touchpad extends substantially about a perimeter of the housing along the at least one outside edge of the housing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of touchpad extends substantially about a perimeter of the housing along the at least one outside edge of the housing as taught by Gerpheide into the computer system of Holehan because this would define a perimeter of the touchpad surface, which provide tactile feedback to the user who is manipulating a cursor on a display screen, when a finger has passed into a special functions region of the surface, and without requiring additional circuit or modification to existing designs (see col. 5, lines 47-52).

***Allowable Subject Matter***

5. Claims 7, 36 are allowed (reasons for allowable, see previous office action).
6. Claims 27, 31-33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed to a touchpad input device comprising a touchpad disposed along at least a portion of at least one outside edge of a housing; a dimension selection switch able to select one of at least two dimensions, a user input detector, electrically coupled to the touchpad. The combination of the closest prior art, Holehan (US 6,043,809) and Gerpheide (6,473,069) show a similar invention, however, they fail to teach further wherein the display is within the housing and the at least one outside edge of the housing is located about at least one

Art Unit: 2677

edge of the display, and the touchpad is disposed along at least a portion of the at least on edge of the display as claim 27; or an analog-to-digital converter electrically coupled between the user input detector and the control circuit for converting electrical signals into digital information readable by the control circuit as claim 31; or a threshold comparator electrically coupled between the user input detector and the control circuit as claim 32; or an electric signal amplifier electrically coupled between the user input detector and the control circuit as claim 33.

### ***Response To Arguments***

7. Applicant's arguments with respect to claims 25-28, 30-34 and 37 filed on 11/1/05 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2677

*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698.

The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen  
November 15, 2005

AMR A. AWAD  
PRIMARY EXAMINER

